

Cc: Andrew Michaelson <amichaelson@kslaw.com>; Sumon Dantiki <sdantiki@kslaw.com>; Matthew Bush <mbush@kslaw.com>; Paul Weeks <PWeeks@KSLAW.com>

Subject: Re: Google LLC v. Starovikov et al., 21-cv-10260 (DLC)

CAUTION: MAIL FROM OUTSIDE THE FIRM

Laura. see the revised join report attached, let me know if you see any issues, thanks.

Igor Litvak, Esq.
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From: Igor Litvak <Igor@LitvakLawNY.com>

Sent: Tuesday, May 17, 2022 10:21 PM

To: Luke Roniger <LRoniger@KSLAW.com>; Laura Harris <lharris@kslaw.com>

Cc: Andrew Michaelson <amichaelson@kslaw.com>; Sumon Dantiki <sdantiki@kslaw.com>; Matthew Bush <mbush@kslaw.com>; Paul Weeks <PWeeks@KSLAW.com>

Subject: Re: Google LLC v. Starovikov et al., 21-cv-10260 (DLC)

Luke,
See attached, my proposals regarding the joint status report are highlighted within.
Sincerely,

Igor Litvak, Esq.
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From: Luke Roniger <LRoniger@KSLAW.com>

Sent: Tuesday, May 17, 2022 1:58 PM

To: Igor Litvak <Igor@LitvakLawNY.com>; Laura Harris <lharris@kslaw.com>
Cc: Andrew Michaelson <amichaelson@kslaw.com>; Sumon Dantiki <sdantiki@kslaw.com>; Matthew Bush <mbush@kslaw.com>; Paul Weeks <PWeeks@KSLAW.com>
Subject: RE: Google LLC v. Starovikov et al., 21-cv-10260 (DLC)

Igor, please see attached for discussion on tomorrow's call.

We will send an invitation for 2:30 ET.

Thanks,
Luke

From: Igor Litvak <Igor@LitvakLawNY.com>
Sent: Tuesday, May 17, 2022 11:48 AM
To: Laura Harris <lharris@kslaw.com>
Cc: Andrew Michaelson <amichaelson@kslaw.com>; Sumon Dantiki <sdantiki@kslaw.com>; Matthew Bush <mbush@kslaw.com>; Luke Roniger <LRoniger@KSLAW.com>; Paul Weeks <PWeeks@KSLAW.com>
Subject: Re: Google LLC v. Starovikov et al., 21-cv-10260 (DLC)

CAUTION: MAIL FROM OUTSIDE THE FIRM

Let's do tomorrow at 2:30pm???

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From: Laura Harris <lharris@kslaw.com>
Sent: Monday, May 16, 2022 9:47:35 PM
To: Igor Litvak <Igor@LitvakLawNY.com>
Cc: Andrew Michaelson <amichaelson@kslaw.com>; Sumon Dantiki <sdantiki@kslaw.com>; Matthew Bush <mbush@kslaw.com>; Luke Roniger <LRoniger@KSLAW.com>; Paul Weeks <PWeeks@KSLAW.com>
Subject: RE: Google LLC v. Starovikov et al., 21-cv-10260 (DLC)

Igor,

Thank you for your note. We have been reviewing the Answer for the purposes of revising our proposed case management plan and intend to send our draft your way tomorrow. We suggest that we plan to speak Wednesday—I'm free 11a to 12p or 1p to 3p. Let us know when works best and we can send across an invite.

And with respect to the pleadings, my plan was the same as yours, but we'll confer internally to confirm.

Thanks,
Laura

Laura Harris
Partner

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King & Spalding LLP
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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

GOOGLE LLC,

Plaintiff,

v.

Civil Action No. 1:21-cv-10260-DLC

DMITRY STAROVIKOV;

ALEXANDER FILIPPOV;

Does 1-15,

Defendants.

JOINT RULE 26(F) REPORT

Plaintiff Google LLC (“Google”) and Defendants Dmitry Starovikov and Alexander Filippov (“Defendants,” together with Google, the “parties”) jointly submit the following Rule 26(f) Report and Discovery Plan.

The parties conducted the Rule 26(f) conference telephonically on May 11, 2022. As directed by the Court, the parties conferred about “settlement, whether the defendants are willing to consent to the entry of a permanent injunction, and each of the other subjects to be considered at Fed. R. Civ. P. 16 conference,” and prepared a “detailed written proposed schedule for any motions and discovery” pursuant to Fed. R. Civ. P. 26(f). ECF 63. The parties respectfully submit the following proposed discovery plan along with the parties’ proposed case schedule attached as Exhibit A.

A. Initial Disclosures – Rule 26(f)(3)(A)

The parties will serve initial disclosures pursuant to Rule 26(a) no later than June 10, 2022. The parties agree that the initial disclosures will take the form prescribed in Rule 26(a), and that Defendants' initial disclosures will identify each individual and entity involved in Defendants' business activities described in the Complaint (ECF 5), including for each the name, current contact information, and a description of the individual's or entity's role in Defendants' business activities.

B. Subjects of Discovery and Discovery Completion – Rule 26(f)(3)(B)**1. Subjects of Discovery**

The parties agree that they should "conduct expeditious and targeted discovery" to resolve this case as expeditiously as possible. *See* ECF 62 at 32. The parties agree that fact discovery in this action should be phased. The initial phase of fact discovery will be targeted and focused on identifying the Doe Defendants and their roles in Defendants' business activities described in the Complaint. With five (5) business days of Defendants' initial disclosures, Google will serve targeted discovery requests for the purpose of obtaining any additional information necessary to amend the Complaint to include any additional named defendants. If no such individuals are identified in this preliminary phase of discovery, Google intends to expeditiously renew its request for default judgment and a permanent injunction against the Doe Defendants.

Once this initial phase of discovery is complete, including the resolution of any disputes regarding such discovery, the parties anticipate additional, targeted discovery regarding the parties' respective claims and defenses, as set forth in Section E.

2. Fact Discovery

The parties' proposed case schedule, including the deadlines for fact discovery, is attached as Exhibit A.

3. Expert Discovery

The parties' proposed case schedule, including the deadlines for expert discovery, is attached as Exhibit A.

C. Disclosure, Discovery, or Preservation of ESI – Rule 26(f)(3)(C)

The parties anticipate that the scope of discovery will encompass Electronically Stored Information ("ESI"). The parties will request ESI in the form or forms that facilitate efficient review of ESI. Google also anticipates that it will request to inspect Defendants' computers and other devices used in their business practices described in the Complaint and Defendants' declarations, and. Similarly, Defendants reserve their rights to inspect Plaintiff's computers and other devices used in its business practices relating to the allegations described in the Complaint and Plaintiff's declarations. Reciprocally, Defendants request that the Court order Plaintiff to preserve such computers and/or devices for production in this litigation.

Commented [IL1]: Laura, I am adding this to the proposed report

D. Privilege – Rule 26(f)(3)(D)

The parties agree that they will serve privilege logs in accordance with the guidelines set forth in Local Civil Rule 26.2 no later than 45 days after the production from which the document was withheld, unless otherwise agreed. The parties further agree that privileged or otherwise protected communications with outside counsel after the date of the respective party's first appearance in this action need not be logged. The parties also agree that they have reserved all rights to challenge any privilege claims, whether described on privilege logs or otherwise.

E. Limitations on Discovery – Rule 26(f)(3)(E)

The parties agree that all discovery should be limited to the remaining factual issues identified by the Court in its April 27, 2022 Order: (1) Defendants' claimed "lack [of] knowledge of the criminal schemes that Google alleges they control"; (2) Defendants' claim that they "did not intend to target U.S. users"; and (3) Defendants' claim that "user participation in their services is entirely legitimate and voluntary." ECF 62 at 11.

Commented [IL2]: Laura, I want this taken out, its way to premature to limit discovery to these issues and also I don't think the Judge meant to say that there are no other issue at all.

F. Other Orders That the Court Should Issue – Rule 26(f)(3)(F)

The parties are negotiating [intend to negotiate] a stipulated protective order that they intend to present to the Court. The parties agree that neither side should exchange confidential documents under Rule 26(a)(1)(A)(ii) until a protective order is entered in this case.

G. Other Matters**1. Settlement**

The parties discussed settlement and "whether the defendants are willing to consent to the entry of a permanent injunction." ECF 63. While no settlement agreement has been reached, the parties are continuing to discuss the possibility of resolving this case without further litigation, including whether there is a form of permanent injunction to which Defendants are willing to consent.

2. Consent to Magistrate Judge

The parties do not consent to proceed before a magistrate judge.

3. Joinder of Parties and Amendment of Pleadings

Google anticipates that it will amend its Complaint to add named defendants once those persons have identified by Defendants in discovery. The parties propose that the deadline for amendments to the pleadings as of right be thirty (30) days from the completion of the first phase of fact discovery, including the resolution of any disputes regarding such discovery. Google

reserves all of its rights to seek leave to amend the Complaint. Similarly, Defendants reserve their rights to amend/supplement their Counterclaims as of right upon the completion of the first phase of fact discovery, including the resolution of any disputes regarding such [discovery].

Commented [IL3]: Laura, I am adding this as well

4. Service of Pleadings and Discovery

The parties agree that as to all parties who have appeared in this action, all papers and discovery material not filed with the Court via CM/ECF shall be served via email and/or FTP on counsel of record for each party, except to the extent that electronic service is not practically available for any particular discovery material, in which case service shall be made to counsel of record for the opposing party(ies) at the following locations:

For Google:

Laura Harris
KING & SPALDING LLP
1185 Avenue of the Americas, 34th Floor
New York, NY 10036

For Defendants:

Igor Litvak
The Litvak Law Firm, PLLC
1733 Sheepshead Bay Road, Suite 22
Brooklyn, NY 11235

5. Pretrial Submissions

The parties jointly request that pretrial matters, including the deadline for witness lists and other pretrial submissions, be deferred until after the Court's resolution of summary judgment motions.

DATED: May 11, 2022

Respectfully submitted,

/s/ SIGNATURE

Laura Harris
Andrew Michaelson
Kathleen E. McCarthy
Matthew L. Bush

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Counsel for Defendants

EXHIBIT A
PROPOSED SCHEDULE

Event	Proposed Deadline
Initial Pretrial Conference	June 1, 2022
Initial Disclosures Served	June 10, 2022
Google Serves Discovery Requests for the First Phase of Fact Discovery	June 17, 2022
Remaining Fact Discovery Commences	Immediately following completion of the first phase of fact discovery
Deadline for Amending Pleadings as of Right	30 days following completion of the first phase of fact discovery
Close of Fact Discovery	October 3, 2022
Expert Reports from Parties Bearing the Burden on an Issue	November 4, 2022
Rebuttal Expert Reports	December 9, 2022
Reply Expert Reports	January 9, 2023
Motion(s) for Summary Judgment	February 10, 2023
Opposition(s) to Motion(s) for Summary Judgment	March 13, 2023
Reply(ies) in Support of Motion(s) for Summary Judgment	April 3, 2023